

Interim Decision #2026

MATTER OF DUGGAN

In Exclusion Proceedings

A-18558057

*Decided by Board February 20, 1970*

In the absence of a specific authorization by the Secretary of State and the Secretary of Defense to enter into or serve in the Armed Forces of Canada, applicant's service in the Royal Canadian Navy with the intention of voluntarily relinquishing his citizenship resulted in the loss of his United States citizenship under section 349(a) (3) of the Immigration and Nationality Act.

EXCLUDABLE: Act of 1952—Section 212(a) (20) [8 U.S.C. 1182(a) (20)]—Immigrant without immigrant visa.

These exclusion proceedings have been certified to us by the special inquiry officer for final decision. In the proceedings, the special inquiry officer held that the applicant, formerly a United States citizen, had expatriated himself under section 349(a) (3) of the Immigration and Nationality Act and he was ordered excluded and deported from the United States as an immigrant without an immigrant visa.

The applicant is a 36-year-old divorced male who was born at Sault Ste. Marie, Michigan on September 1, 1933 and who acquired United States citizenship by reason of his birth in the United States under section 1 of the Fourteenth Amendment to the United States Constitution. After several visits to Canada he became a landed immigrant in Canada on January 4, 1953. Thereafter, on September 15, 1953 he enlisted in the Royal Canadian Navy and served therein until March 2, 1954 when he was dishonorably discharged for misconduct (Ex. 6). On the day of his joining the Canadian Armed Forces he took an oath of allegiance to Her Majesty Queen Elizabeth II.

Applicant testified that ever since 1946 he has desired to make his permanent home in Canada and to become a citizen of that country because he has many relatives there and he liked the country and was always able to obtain suitable employment dur-